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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-first session

SUMMARY RECORD OF THE 549th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 May 1999, at 10 a.m.

Chairperson: Mr. RABAH

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6)(continued)

Second periodic report of Nicaragua (CRC/C/65/Add.4; CRC/C/65/Add.14 (supplementary report); CRC/C/15/Add.36; CRC/C/Q/NIC/2 (list of issues))

1. At the invitation of the Chairperson, the members of the delegation of Nicaragua took places at the Committee table.

2. Ms. FRECH (Nicaragua), introducing Nicaragua's second periodic report (CRC/C/65/Add.4) and supplementary report (CRC/C/65/Add.14), described recent trends in a number of macroeconomic variables and health and education indicators, as a general background to the situation of children in her country (supplementary report, paras. 8-11).

3. Describing the work of the National Council for the Integrated Care of Disabled Children (CONAINID), she mentioned CONAINID's plan for publicizing the needs of disabled children throughout Central America, formulated for the Regional Council for the Integrated Care of Disabled Children (CORAMED). She also outlined the various types of activities undertaken by the Council, including the Community-Based Rehabilitation Strategy and efforts to sensitize and involve educational bodies in support of the special educational services (supplementary report, paras. 38-45).

4. One of the most important changes to have benefited children since 1997 was the entry into force, in November 1998, of Nicaragua's Code on Children and Adolescents. An important factor in the implementation of the Code had been the work of the National Commission for the Promotion and Defence of the Rights of the Child, particularly with regard to specialized justice for adolescents. The National Commission had also established two technical committees, one of which had been responsible for preparing the Bill on the National Council for the Integrated Care and Protection of Children and Adolescents and the Defender's Office, to be established under the Code, and for implementing the National Plan of Action for Children and Adolescents for the five-year period 1997-2001 (supplementary report, paras. 15-18 and 35). The Commission had also carried out a cost assessment for purposes of implementation of the Code, which had served as the basis for a programme prepared in collaboration with UNICEF, on change and investment in the human rights of children and adolescents.

5. Although the country's economic situation provided a far from suitable context for social and legal change in favour of children and adolescents, particularly in the aftermath of Hurricane Mitch, Nicaragua had persevered with the implementation of the Convention and new legislation. The Code on Children and Adolescents was seen as pointing the way towards social change in which all sectors had an important part to play. However, support and assistance within the framework of international cooperation, as provided in article 4 of the Convention, were essential to the enforcement of the rights of children and adolescents, who accounted for 53 per cent of the population.

6. She outlined the progress that had been made in implementing the Code, including training for prosecutors, police officers, primary teachers,

parents, children and adolescents, officials and experts from bodies dealing with children and from social services; and the preparation of manuals by the judiciary, the Attorney-General's Office and the National Police. Training workshops and courses had also been held (supplementary report, para. 26). The new Ministry of the Family would be responsible for administering special protection measures, and two specialized judges had been appointed by the Supreme Court of Justice (paras. 74 and 81). She drew attention to the project for "integrated support for the juvenile prison population of Nicaragua", supported by the European Union, which targeted a population of some 200 adolescents in Tipitapa prison. The aim was to remedy shortcomings in their preparation for social reintegration and to improve the infrastructure and equipment available to them in the prison (paras. 101-104).

7. Other advances were the recognition of children's right to a name and the obligation under the Code for hospitals and other public facilities to register births (supplementary report, paras. 51-52). Birth registration facilities could now be found in seven hospitals across the country and, with UNICEF support, a mass registration drive was being conducted jointly by the Supreme Electoral Board, the Ministry of Health and the municipal authorities. Meanwhile, previously unregistered children aged 1 to 15 were now being registered and issued with birth certificates. Such initiatives were extremely important as part of the civic education campaign, and demonstrated how access to other rights depended on being entered in the civil registers.

8. She outlined the progress made by the National Commission for the Progressive Eradication of Child Labour and Protection of Child Workers since its establishment in April 1997 (supplementary report, paras. 62-65). The Commission worked with 1,850 children and adolescents in eradicating child labour in agriculture, stock breeding, coffee growing, deep-sea fishing and waste disposal.

9. Nevertheless, Nicaragua had experienced a number of difficulties in implementing the Convention. A lack of financial resources and infrastructure was hampering efforts to implement even the Code on Children and Adolescents. No Human Rights Procurator had been appointed, and consequently there was no Assistant Procurator for the Rights of the Child: the National Assembly was still reviewing the list of candidates. Although both the Constitution and the Code on Children and Adolescents embodied the principle of non-discrimination, information on the principle had not yet been disseminated nationwide. The Convention had not yet been published in English and Miskito for children in the Atlantic regions. No concrete steps had been taken to implement the right to privacy, apart from article 14 of the Code, which provided that no child should be subjected to abuse or unlawful interference with his or her privacy, family or home, nor to attacks on his or her honour and reputation. At the same time, media coverage of cases of sexual abuse of children or children's involvement in crime was still inappropriate. The birth registration plan had been hampered by financial and human resource difficulties. Education provision for children with disabilities was still inadequate, although expanded coverage in both urban and rural areas was an education policy priority, along with teacher training in active methodologies and personalized care.

10. Hurricane Mitch had had a disastrous impact on Nicaragua, and on the children of the country in particular (supplementary report, paras. 111-139). Despite the scale of the disaster, her Government had the political will to persevere with its efforts to guarantee children's rights, and she appealed to the international community for technical and economic support to enable Nicaragua to establish the National Council for the Integrated Care and Protection of Children and Adolescents. Resources were also needed for the consolidation of the specialized criminal justice system for adolescents. It was hoped that preventive programmes such as a campaign on children's and adolescents' rights could be conducted nationwide.

11. Lastly, she expressed her country's gratitude to the Committee for its efforts to garner support for reconstruction efforts in relation to children's rights in Central America, through an appeal to the Consultative Group on repair of the damage caused by Hurricane Mitch in Central America, meeting in Stockholm.

12. Mr. DOEK said that he was impressed by the initiatives undertaken both by the Government and by public and private agencies to improve the situation of children since Nicaragua's initial report had been submitted, particularly given the problems the country faced in terms of poverty, external debt and the devastating effects of Hurricane Mitch. Having seen varying figures for government social expenditure, he wondered what percentage of Nicaragua's 1998 budget had in fact gone towards social spending and whether there was a specific appropriation for children's issues. The plethora of bodies created to monitor the implementation of children's rights was impressive, but he wondered how they were coordinated. Did the National Commission for the Promotion and Defence of the Rights of the Child have any responsibility for such coordination? What were the Commission's overall functions?

13. He inquired about the outcome of the Consultative Group's meeting in Stockholm and requested details of the programme which Nicaragua had presented with a view to obtaining international financial assistance with certain legal, judicial and administrative aspects of implementing the Code on Children and Adolescents. What activities were planned over the next two years in the context of the implementation process?

14. Mrs. OUEDRAOGO noted that, while the report had provided ample information about newly established bodies and their functions and had followed the Committee's guidelines, it had not covered all the issues. She therefore wished to know if there had been any progress in promoting the rights of disabled children and children belonging to minorities and in implementing the Convention's general principles? How widespread was knowledge of those principles in Nicaragua? Were all the country's mayors members of the Network of Mayors? If there were any departments where mayors had not joined the Network, how was that obstacle to coordination overcome? With reference to the information supplied in paragraph 151 of the second periodic report, she asked if the shortfall in funding had led to cutbacks in the programme or whether the requisite funds had since been raised. Had the Ministry of Family Affairs been established? How and for how long were the members of the student councils mentioned in paragraph 160 of the report appointed? Were they consulted in the decision-making process at ministerial level? Did such councils exist in all municipalities? If so, what

interaction was there between student councils and children's municipal councils? What steps were taken to enable children who did not attend school to join in the democratic process?

15. Mrs. TIGERSTEDT-TÅHTELÄ pointed out that, although Nicaragua's economic situation was not an ideal basis for improving the situation of young people, some favourable macroeconomic trends were emerging. Against that background, she asked whether the Government was giving priority to furthering the rights of children and adolescents.

16. Mrs. KARP said that the Committee shared Nicaragua's pain and distress over the aftermath of Hurricane Mitch. Perhaps some consolation could be derived from the fact that existing national plans for realizing the ideals of the Convention through institutional reform could contribute to the reconstruction process. She hoped that the programme presented in Stockholm had outlined the budgetary appropriations needed to implement the new Code on Children and Adolescents and that an integrated plan had been drawn up to secure the full implementation of the Convention. In that connection, she asked if the technical assistance Nicaragua was already receiving with education, health and training was coordinated so as to avoid duplication and maximize resources.

17. She was puzzled by the plethora of institutions and unsure which of them had actually been set up, what their specific functions were, how they were linked to one another and if there were any gaps in their activities. Why was it taking so long to appoint an Ombudsperson ("Defensor") for Children's Rights? Were the Office of the Procurator for Children ("Procuraduría de la Niñez") and the Public Defender's Office ("Defensoría") two separate entities? Had the National Council for the Integrated Care and Protection of Children and Adolescents been established? Did it have a budget? Was it already in operation? In what way did the activities of the National Commission and the National Council differ? Would it be possible to supply the Committee with an organization chart showing specific responsibilities and how they were coordinated? What role did each institution play in implementing the general plan of action to enforce the Code on Children? What were the reasons for the delay in adopting the Labour and Family Codes? Were there any significant differences between the budgets for 1999 and 2000 on the one hand, and those for 1997 and 1998 on the other? If so, had those differences been reflected in the programme presented in Stockholm?

18. There appeared to be a weakening of relations between the new Government and the non-governmental organizations (NGOs) and a shift in emphasis in the new legislation on customs and taxation which would hamstring NGOs. She considered that the extensive reorganization of the civil service signified a waste of training and might hamper efforts to implement the Code on Children and Adolescents. Finally, she asked if any action had been taken to bring about a radical change of attitude among judges towards street children and juvenile delinquents. She considered that the efforts to reform the juvenile justice system had been half-hearted and would scarcely help children in conflict with the law to become well-rounded and productive members of society.

19. Mrs. SARDENBERG said that she was impressed by the progress made since the presentation of the previous report and by the switch in approach to the integral protection of children. She welcomed the adoption of the Code on Children and Adolescents and the participatory process which its drafting had entailed. She was pleased that the election of a new government had not interrupted the promotion of children's rights. Despite the existence of traditional structural problems and the havoc wrought by Hurricane Mitch, she was encouraged by the country's timely efforts to secure international assistance. Were negotiations being held on rescheduling the country's colossal external debt? Was Parliament participating in that process? Were those negotiations likely to succeed? What was Parliament doing to further children's rights? Was the country in a position to attain the goals set out in the National Plan of Action for Children and Adolescents by the year 2000? How did the private sector contribute to projects and programmes to implement children's rights? Was there any possibility of translating the Convention into the languages of the indigenous peoples? What was being done to raise awareness of the Convention among both the adults and the children of such ethnic groups? The plan referred to in paragraph 157 of the report was a step in the right direction.

20. Mrs. KARP asked what progress had been made towards the collection and analysis of statistical data regarding children in particular need of help. Given that mining was a high-risk occupation, especially for children, what plans existed for that sector?

21. Mr. RABAH requested further information about the training of judges, social workers, teachers, lawyers and policemen, so as to familiarize them with the provisions of the Convention.

The meeting was suspended at 11.20 a.m. and resumed at 11.30 a.m.

22. Ms. FRECH (Nicaragua) explained that the principal functions of the National Commission for the Promotion and Defence of the Rights of the Child were to defend and further children's rights and to disseminate knowledge of those rights, as well as to facilitate and coordinate institutional links between the Government and NGOs. Two committees had been established to promote consensus on the Code on Children and Adolescents. The Inter-Agency Technical Committee included representatives of civil society, NGOs and the public authorities involved in the implementation of the Code. The new statute was an historic achievement and the National Commission was striving to heighten public awareness of all its implications. Thus, 3,000 people had been given the task of disseminating knowledge of both the Code and the Convention and that effort was backed by media campaigns reaching out to all sections of the population. In its capacity as a coordinating body, the National Commission held meetings with the National Assembly to discuss forthcoming legislation and liaised with other organs of central government.

23. It was worth pointing out that the Code on Children and Adolescents had been adopted in the wake of Hurricane Mitch. Its implementation, which constituted a major challenge for Nicaragua, would require concerted domestic political support and international assistance.

24. Mr. MONTENEGRO MALLONA (Nicaragua) said that, when his country's first democratic Government had taken office in 1990, the foreign debt had amounted to 80 times the value of national exports. That Government's first significant achievement had been the reduction of the foreign debt by more than half, to approximately US$ 6,000 million. Despite a further recent reduction, the level of debt remained virtually unmanageable. Nicaragua currently devoted 40 per cent of its export earnings to debt servicing and was nonetheless investing in social programmes. It was also participating in the Heavily Indebted Poor Countries Debt Initiative (HIPC), a programme designed drastically to reduce the foreign debt, with a view to increasing the ability to fund social programmes.

25. Ms. PEREZ (Nicaragua) said that social expenditure in 1997 had amounted to 34 per cent of the budget; 13 per cent of which had gone to education and 14 per cent to health. Nicaragua's per capita social investment was low because of the small size of its national budget. The Government was striving to reduce deficits in the areas of health and education with a view to increasing its spending on children and adolescents.

26. Funds received from international sources had been channelled directly into the poverty eradication programmes provided for in the national budget submitted at Stockholm.

27. Ms. JIRON (Nicaragua) said that the Code on Children and Adolescents was a social programme which by definition required coordination, cooperation, resources, and a gradual process of implementation. The assistance of NGOs and international organizations was also required, as was cooperation among families, schools, communities and the State. The budget estimate for its implementation amounted to US$ 20 million over three years, and a number of potential donors had been approached. The commissions responsible for implementation of the Code were convened on an ad hoc basis to deal with such matters as the eradication of child labour and the elimination of violence against women: their membership - from central Government and civil society - often overlapped. The Ministry of the Family, which coordinated and harmonized the work of the commissions, had been created to replace the former Nicaraguan Fund for Children and the Family. The Institute for Women had been established as early as the 1980s.

28. Ms. PEREZ (Nicaragua) said that a number of measures had been taken to inform the Nicaraguan population of the principles enshrined in the Convention. For example, the Ministry of Health had recently established a programme for adolescents which reflected the principles of the Convention and the Code on Children and Adolescents.

29. The Network of Mayors Friends and Defenders of Children was made up of 100 of the country's 150 mayors, who undertook to promote the formation of local children's councils in which governmental bodies, NGOs, parents' associations and representatives of civil society would participate. The goals of the National Plan of Action were the same as those set by the World Summit for Children; funding for its implementation would come from both domestic and international sources.

30. The Ministry of Education had recently started a national pilot programme under which teachers would work with students to promote the establishment of student governments. Student-government programmes were being introduced gradually into schools throughout the country, and four would be launched on the Atlantic coast in 1999.

31. Ms. JIRON (Nicaragua) acknowledged that the Government had difficulty meeting the needs of the children of ethnic minorities living along the Atlantic coast. The Code on Children and Adolescents nevertheless recognized the rights of such children to their own culture and language, and the Government had requested international assistance in disseminating the Convention and the Code in Miskito and Creole to the populations living in that area.

32. Although no anti-discrimination campaign had thus far been conducted in Nicaragua, the principle of non-discrimination was enshrined in both the Constitution and the Code. With the support of the United Nations Children's Fund (UNICEF), the Government had carried out campaigns to eradicate child labour and violence against children. No specific policy concerning children's right to participation had been devised, but the Bill relating to the National Council for the Integrated Care and Protection of Children and Adolescents, currently before the National Assembly, provided for children to join that body as full members. The proposed Council would replace the National Commission for the Promotion and Defence of the Rights of the Child and would have a broader mandate and membership, including representatives of NGOs and civil society.

33. Nicaraguan law required the enactment of domestic legislation to implement the terms of international instruments. Accordingly, the Code on Children and Adolescents had been drawn up to implement the Convention, which had been ratified in 1990.

34. Ms. PEREZ (Nicaragua) said that the Ministry of the Family had traditionally sought to strike a balance between social and economic priorities; thus, membership of the new National Council would include officials from the Ministry of Finance and Public Credit, who would have a role in requesting and organizing international assistance for programmes on behalf of children.

35. Some of the goals of the National Plan of Action for Children and Adolescents 1997-2001 were in fact being achieved. For example, the infant mortality rate had dropped from 50 per 1,000 in 1995 to 43 per 1,000. Overall, however, progress was uneven.

36. In 1996, the Childwatch-International Network for Child Research had conducted a survey of Nicaraguan institutions for children, which had been used to develop a national system of up-to-date statistical information in six areas: implementation of the Convention; implementation of the National Plan of Action; geographical information; monitoring of children in situations of risk; documentary information; and information on institutions, programmes and projects for children. International assistance was required for its implementation.

37. Although the National Commission had compiled statistics regarding children and the family with the support of the Inter-American Children's Institute, no national information system on that subject had been set up to date.

38. Ms. JIRON (Nicaragua) said that the appointment of a Human Rights Procurator, provided for by law since 1992, had been blocked by Parliament. The Government was nevertheless pressing ahead with its efforts, and had drawn up a new list of candidates. The Procurator's office would have three divisions to handle the rights of women, minorities and children separately. When the Code on Children and Adolescents had been elaborated, the decision had been made to establish an Office of Defender of Children and Adolescents within the public administration, in order to avoid the difficulties associated with political appointments. That office would receive complaints and undertake action in cases where the rights of children had been violated. The posts of Human Rights Procurator and Defender of Children and Adolescents were intended to be complementary.

39. Mrs. SARDENBERG said that the delay in adopting the Bill relating to the National Council for the Integrated Care and Protection of Children and Adolescents had left the country without a body corresponding to the requirements of the Code on Children and Adolescents, as the current National Commission had more restricted powers than those reserved for the Council. What were the prospects for the early adoption of the Bill? Could the delegation provide further information on the "Return of Happiness" project to assist children affected by Hurricane Mitch? The minimum legal age for marriage had been a subject of concern, as the Committee had previously considered it discriminatory. Was it true that the new draft Family Code would set the minimum age for both sexes at 18? What were the prospects for the adoption of the Family Code? Did the national Plan of Action extend to municipal projects? If so, to what extent did they involve local mayors? Finally, paragraph 31 of the supplementary report referred to a National Forum on the Police and the Rights of Children and Adolescents held in 1998. Could the delegation provide more detailed information on attendance at that event?

40. Ms. JIRON (Nicaragua) said that the National Council would be given a broader mandate than that of the National Commission under the Bill which was expected to be adopted by the National Assembly in the first half of 1999, following its submission to the Assembly by the Permanent Commission on Women, Children, Juveniles and the Family. Replying to Mrs. Karp's question about the Family Code she said that the draft was currently before the National Assembly. Once it was adopted, the family courts would be established. Unless further amended, the draft would establish 18 as the age of majority and 16 as the minimum age for marriage for both men and women. The Civil Code currently established the age of majority at 21 and the minimum age for marriage at 14 for females and 15 for males.

41. Mrs. KARP asked whether mine clearance operations were the subject of appropriations in the 1999 and 2000 budgets. Recalling that the Committee, in its previous concluding observations, had noted that more substantial appropriations were required for the proper implementation of the Convention, she inquired whether the question of increasing the budget for social

services, and in particular children's services, had been raised in the negotiations on the reduction or elimination of the external debt. The Ministry of Housing was to be represented on the future National Council. Was that also the case for the Ministry of Finance and Public Credit, so that it could be made aware of the need for further budget appropriations for children's services? Which bodies were responsible for coordinating the activities of international organizations? Did the National Commission play such a role and would the future National Council do so? The legal requirement that the views of children should be taken into consideration was made contingent upon the maturity of the child. In practice, what criteria were used to determine whether the child was mature? Finally, given that the age of majority was currently 21, what protection was afforded to people between the ages of 18 and 21, who did not enjoy the full rights of adults and no longer benefited from the protection given to children?

42. Mrs. TIGERSTEDT-TÄHTELÄ asked how the Network of Mayors functioned in practice, and specifically how the central Government received feedback from the local level. Had the Government already developed indicators with which to guide the implementation of its policies for children, or did it require additional resources to develop a monitoring system?

43. Mrs. QUEDRAOGO said that she did not understand how representation on the coordinating bodies and executive of the Network of Mayors was determined. Though some 645 towns and villages were represented, the Network was not universal. As for the student councils which had apparently been set up throughout the country, how did they coexist with the children's municipal councils? What structures existed to ensure the participation of children who did not attend school? It appeared that the definition of the child was still discriminatory. Why had that definition been maintained, even after the Beijing Conference which had called on Governments to ensure equality among children? What was done in Nicaragua to protect children who had to appear in court? If the maximum sentence allowable by law was 30 years for persons of full legal age, what was the maximum sentence for persons under 21? The report described mechanisms to ensure the participation of children in educational institutions. What had been done to ensure that the child's views were taken into consideration in the family? According to the report, the State protected responsible fatherhood and motherhood. What was meant by the term "responsible"? How were children in single-parent households or those born out of wedlock protected?

44. Mrs. SARDENBERG said that the Committee's concluding observations following the initial report had mentioned the problem of persistent discrimination against girls. The Nicaraguan delegation had recognized that the problem existed, and the Government had been working on a law against domestic violence. She requested information on how the problem of domestic violence manifested itself in practice. Under the new Code, what was the status of children born out of wedlock? The Committee had recommended the amendment of earlier legislation so as to avoid stigmatizing and discriminating against children referred to as illegitimate ("hijos naturales"). What was the situation of indigenous children, and what information could be provided on children who had been caught up in armed conflict?

45. Ms. FRECH (Nicaragua) explained that the "Return of Happiness" project was a joint undertaking of the Ministries of Education and Health, with support from UNICEF. Its purpose was to assist children affected by Hurricane Mitch, many of whom had suffered from sleeping and eating disorders, fear and anxiety in the wake of the storm, so as to enable them to return to school and lead a more normal life. Some 35,000 children had already been rehabilitated through the project. Another project assisted children affected by the hurricane by permitting them to express their feelings and to cope with them through artwork, workshops and other activities.

46. Ms. JIRON (Nicaragua), replying to a question posed by Mrs. Karp, said that mine clearance was taken very seriously in Nicaragua. According to the Red Cross, children accounted for some 70 per cent of landmine victims. Two initiatives had been taken against landmines. The first, coordinated by the army, was an operation designed to clear some 85,000 landmines by the year 2004. Unfortunately, Hurricane Mitch had dealt a serious blow to mine clearance, as mud slides and floods had dislodged a large number of devices which had previously been detected and marked. The army was receiving assistance and technical support in its mine clearance work from the Organization of American States. The second initiative, under the title Child to Child ("Niño a Niño"), was a campaign implemented by the Nicaraguan Red Cross with help from UNICEF, under which children were alerted, through their schools, town and village administrations and communities, to the dangers posed by landmines. The aim was to raise awareness among children so that they could live relatively safely in the affected areas until the army could clear the devices away. As for the use of the term "responsible" in relation to fatherhood and motherhood, it reflected a constitutional requirement that the State should encourage sound conduct, especially on the part of fathers, in order to combat socio-cultural problems. The Ministry of Family Affairs worked to encourage responsible parenthood through its premarital and matrimonial counselling services and through specially established schools for fathers.

47. Under the Constitution, all children were equal under the law. A distinction had previously been made between legitimate and illegitimate children, and the Civil Code in force dated back to 1904. However, planned amendments to the Code would introduce the values of a modern State based on the rule of law and bring it into line with numerous human rights instruments ratified by Nicaragua, including the Convention on the Rights of the Child. Adapting national legislation on children was a time-consuming and complicated task. Despite lacking resources, the Government had to bring about a change in deep-seated social attitudes toward children, who previously had been considered as property.

48. Ms. PEREZ (Nicaragua) said that the National Plan of Action extended to activities at the local level; village and town administrations were establishing municipal plans for children and adolescents through the municipal commissions on children, in which local mayors played an important role. Such commissions existed in over half of the country's municipalities, and more were being set up. The Network of Mayors was involved in conveying information from local commissions to the central government level. The National Police had done a remarkable job of promoting the new Code on Children and Adolescents and adapting police regulations to apply its

provisions. The National Forum on the Police and the Rights of Children and Adolescents had been attended by some 220 representatives of numerous organizations and government bodies.

49. Responding to a question raised by Mrs. Ouedraogo, she said that not all the country's nearly 7,000 schools had student councils. Children not represented on such councils had other possibilities for participation, including the election of children's municipal councils and children's mayors.

50. Ms. JIRON (Nicaragua) said that a coordination secretariat had been established for activities undertaken following Hurricane Mitch. The Ministry of Finance would be represented on the future National Council for the Integrated Care and Protection of Children and Adolescents, as well as on the National Council for Sustainable Development "Consejo Nacional de Desarrollo Sostenible" (CONADES). Under the new Code on Children and Adolescents, a child could be called upon to appear in court proceedings which involved the child personally. However, that practice was not applied in all courts. Some took the child's views into consideration in cases concerning such matters as divorce, maintenance or adoption. The judge could designate a court-appointed guardian to represent the child in court proceedings. The Code also made provision for specialized multidisciplinary teams to assist judges in the extremely delicate task of interviewing children. There was a need for training in such techniques.

51. The maximum sentence of 30 years was applicable to adults only. Adolescents over 13 years of age were considered to be criminally liable in certain cases and could be tried, and from 15 to 18 they could be prosecuted for any offence. However, the maximum permissible sentence for minors was six years.

52. The CHAIRPERSON requested information on the decentralization process and efforts to eliminate discrimination.

53. Ms. JIRON (Nicaragua) said that the State had indeed begun a decentralization process, with the adoption of a law on the subject. As for the rights of the child, the Nicaraguan Government felt that the work of the National Council should be reflected at the local level as well, but for the time being decentralization could not be very effective because of a lack of resources for local activities. The law guaranteed equality between women and men as well as between boys and girls. However, a change in the country's culture was needed, and the Code which had entered into force just six months earlier could not have an immediate effect. It was hoped that Nicaraguan society would accept those legally established principles more readily in the future.

54. Ms. PEREZ (Nicaragua) added that a national commission had been established to prevent violence against women, with the participation of the National Commission for the Promotion and Defence of the Rights of the Child, the National Police and the Ministries of Health and Education. The new commission was drawing up a national plan of action.

The meeting rose at 1 p.m.